

House Engrossed

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 194

## HOUSE BILL 2390

AN ACT

AMENDING SECTION 26-343, ARIZONA REVISED STATUTES; RELATING TO STATE  
EMERGENCY RESPONSE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 26-343, Arizona Revised Statutes, is amended to  
3 read:

4 26-343. Arizona emergency response commission; advisory  
5 committee; powers and duties

6 A. The Arizona emergency response commission is established consisting  
7 of the director of the division, who shall serve as chairman, and the  
8 directors, or their respective designees, of the department of environmental  
9 quality, the department of health services, the department of public safety  
10 and the department of transportation.

11 B. An advisory committee to the commission is established consisting  
12 of:

13 1. The state fire marshal.

14 2. The chief administrative officer or his THE OFFICER'S designee, of  
15 the following agencies:

16 (a) Arizona department of agriculture.

17 (b) Corporation commission.

18 (c) Industrial commission.

19 (d) Radiation regulatory agency.

20 (e) State mine inspector.

21 3. Two representatives nominated by the Arizona fire chiefs  
22 association incorporated or its successor agency. One nominee shall  
23 represent a fire department serving a population of two hundred fifty  
24 thousand or more persons. One nominee shall represent a fire department or  
25 fire district serving a population of less than two hundred fifty thousand  
26 persons. The term of appointment is for two years.

27 C. The governor shall appoint four private sector representatives to  
28 the advisory committee to the commission after reviewing the recommendations  
29 provided by the commission. The governor shall appoint, or reappoint, two  
30 of the members each year from the private sector, to serve terms of two  
31 years. These members, to the extent practicable, shall have technical  
32 expertise in the emergency response field.

33 D. The members of the commission shall serve without compensation but  
34 are eligible for reimbursement for travel and other expenses as provided by  
35 law. The division and the department of environmental quality shall provide  
36 such professional, technical or administrative staff support as necessary to  
37 implement and perform the commission duties.

38 E. The commission shall meet as often as necessary and may organize  
39 itself into such support committees as necessary to implement this article  
40 and title III in this state. The full commission shall meet at least  
41 annually. The commission may adopt internal operating rules.

42 F. The commission shall administer this article and the rules adopted  
43 under this article. The commission shall administer title III in this state  
44 and may conduct whatever activities are necessary to implement this article  
45 and title III in this state. The commission is granted all the authority and

1 responsibilities of a state emergency response commission for purposes of  
2 title III.

3 G. The commission may procure by contract the temporary or  
4 intermittent services of experts or consultants if such services are to be  
5 performed on a part-time or fee-for-services basis and do not involve the  
6 performance of administrative duties. The commission may also enter into  
7 agreements with THE FEDERAL GOVERNMENT, INDIAN TRIBES, OTHER STATES AND  
8 political subdivisions OF THIS STATE for THE purposes of this article. The  
9 commission may also accept on behalf of this state any reimbursement, grant  
10 or gift that may become available for purposes of this chapter. The  
11 commission shall deposit, pursuant to sections 35-146 and 35-147, any such  
12 monies in the emergency response fund.

13 H. The commission shall establish a program of financial grants to  
14 local governments funded through the division by appropriations to the  
15 emergency response fund. The grants shall be dedicated to and used for local  
16 compliance with this article. The commission shall include procedures for  
17 applying for the grants and qualifying criteria for awarding the grants.

18 I. The commission shall adopt and may modify, suspend or repeal rules  
19 pursuant to title 41, chapter 6. The rules may not be more stringent than  
20 title III and the federal regulations adopted under title III, except as  
21 specifically authorized in this article. These rules shall implement this  
22 chapter and title III in this state. The authority to adopt rules includes  
23 establishing:

- 24 1. Procedures for handling public information requests.
- 25 2. Procedures and implementing programs for chemical emergency
- 26 planning and preparedness.
- 27 3. Community right-to-know program reporting requirements.
- 28 4. Release reporting requirements.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.

Passed the House March 10, 2003,

Passed the Senate May 5, 2003

by the following vote: 42 Ayes,

by the following vote: 28 Ayes,

15 Nays, 3 Not Voting

1 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Klu Pluneth  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

6 day of May, 2003

at 12:06 o'clock P M.

Sandra Ramsey  
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9 o'clock A M.

Jan Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003

at 4:03 o'clock P M.

Janice Brewer  
Secretary of State